

F-2008-01077

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JUN 23 2008

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23 June 2008

Delores M. Nelson
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

APPROVED FOR RELEASE ☐
DATE: 18-Aug-2010

Re: F-2008-00443

Dear Ms. Nelson:

I have received your letter dated May 6, 2008, acknowledging receipt of the April 7, 2008, FOIA request submitted by the James Madison Project ("JMP") for copies of all internal Central Intelligence Agency ("CIA") documents and all remarks and reports prepared for Congress pertaining to the drafting and implementation of the Intelligence Identities Protection Act of 1982 (Pub.L. 97-200, 50 U.S.C. § 421-426) ("IIPA"). In your letter, you stated that you denied JMP's request for a fee waiver. Your letter seeks to justify this determination by stating that the information sought is not likely to contribute significantly to public understanding of the operations and activities of the United States Government.

I am writing to appeal your denial of JMP's request for a fee waiver. Your stipulations aside, disclosing this information would, without question, contribute significantly to public understanding of government operations or activities and is in the public interest. In 2003, Valerie Plame Wilson, a covert employee of the CIA, was identified publicly as such, leading to numerous Congressional hearings, a grand jury investigation, and the criminal case *U.S. v. Libby*. Foremost among the issues debated in these fora was the applicability of the IIPA, a debate that has continued to this day, as is evidenced by the March 16, 2007, testimony before the House Committee on Oversight and Government Reform by Victoria Toensing and myself, specifically addressing the relevance of the IIPA to the Plame scandal (<http://oversight.house.gov/story.asp?ID=1205>). Disclosure of responsive records pertaining to the CIA's involvement in the drafting and implementation of the IIPA will demonstrate the original intent of the CIA's desire for such legislative or regulatory protection and therefore provide an invaluable resource in the public debate over the current scope of the IIPA, and thereby would contribute to the public's

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understanding of government operations and activities.

With respect to the possible allegation that that JMP lacks the ability and intent to disseminate, we clearly stated in our initial request that the material released to us would be published on our website <http://www.jamesmadisonproject.org>. I need only refer you to the Document Vault section of our website to demonstrate both our ability and intent to disseminate such information. As even a cursory review will demonstrate, JMP both has disseminated and continues to disseminate to the public information obtained administratively and through litigation by way of FOIA, including a recent 385-page set of CIA regulations located at <http://www.jamesmadisonproject.org/files/CIA%20Regs/CIA%20Regs%20-%20WHOLE.pdf>. Copies of documents disclosed by federal agencies through this process have also been provided to other non-profit and media organizations with similar intentions and abilities to distribute information to the public, such as the Federation of American Scientists. Because of our status and our practice of making conscientious requests, most prior requests submitted by our organization have received fee waivers.

However, in response to your statement that "the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision," I hereby do not authorize you to conduct any search in excess of two hours or reproduction in excess of 100 pages unless this fee waiver is granted..

As stated in the memo faxed to your attention on June 4, 2008, we request that any documents or records produced in response to these requests be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact my Director of FOIA Operations Kel McClanahan at Kel@JamesMadisonProject.org or 301-728-5908.

Finally, please have all return postal correspondence addressed specifically to the attention of Mark Zaid (and not Kel McClanahan) to ensure proper delivery.

Sincerely,



Mark S. Zaid
Executive Director

MSZ/km

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James Madison, 1822

FAX COVER SHEET

TO

Delores M. Nelson

FROM

Kel McClanahan (12406812189)

DATE

06/23/2008

COVER MESSAGE
